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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,670	11/02/2000	Norbert Kunze	PHD99,028	9125

7590 02/27/2003

U S Philips Corporation
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EXAMINER

NGUYEN, DZUNG C

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,670

Applicant(s)

KUNZE ET AL.

Examiner

Dzung C Nguyen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's preliminary amendment, filed on 11/2/00, has been received and entered.
2. Claims 1-4 are presented for examination.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

This abstract contains more than one paragraphs. Correction is required.

Drawings

4. The drawing is objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2a, 4a-d, and 5a. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the position" in lines 5 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "can be" in line 7 is vague and indefinite because it is unclear whether the a transport wheel is to be pressed against the plate or not to be pressed against the plate?

In addition, the term "may be or can be" etc...is vague and indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or not, and the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United

States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato, US patent (6,288,982).

Regarding claim 1, Kato teaches a device for reading information [fig 5] stored on an information plate [disk, D] and/or writing information on an information plate, comprising a loading mechanism [load and unloading 23] for loading and unloading the information plate [D], the loading mechanism comprises at least one movable scanning lever [24 and 25] for detecting the position of the information plate, which lever [24 or 25] is designed to contact the plate edge [edge of the disk D, fig 6] of the information plate, and in that a position sensor [28 col. 11 lines 62-64] is provided for supplying position information on the position of the information plate in dependence on the position of the scanning lever [24 and 25] (figs 5-6 and col.11 line 62 to col. 12 line 4).

Regarding claim 2, Kato teaches the position sensor [28] is constructed as a variable resistor and in that the scanning lever changes the resistance (col. 15 lines 24-25) of the variable resistor in dependence on the position [28a-b] of the information plate (see col. 15 lines 22-31).

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato, US patent (6,288,982) in view Kawasaki, US patent (5,673,240).

Regarding claim 3, Kato teaches the position sensor [28] is constructed as a variable resistor and in that the scanning lever changes the resistance (col. 15 lines 24-25) of the variable resistor in dependence on the position [28a-b] of the information plate (see col. 15 lines 22-31).

Kato do not teach the that the position sensor is constructed as an electronic encoder switch and the scanning lever changes the code of the encoder witch in dependance on the position of the information plate.

Kawasaki teach the position sensor is an encoder (see col. 5 lines 46-58).

It would have been obvious to one of ordinary in the disk drive art at the time the invention was made to use a position sensor of Kato as an encoder switch as taught by Kawasaki so as the scanning lever changes the code of the encoder switch in dependance on the position of the information plate as claimed because the modification would increase speed for detecting the position of the scanning lever on the information plate.

Allowable Subject Matter

10. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 4, none of prior art of record teaches or suggests a device for reading information stored on the plate including a loading mechanism which comprises two guides arranged on pivoting arms with grooves for the edge of the information plate, in that one of the guides is constructed as a transport wheel which can be driven into rotation and the other guide as a roller element, in that the pivoting levers are coupled to one another, in that the transport wheel and the roller element to be pressed against the plate edge for the purpose of loading and unloading the information plate, and in that the roller element is journaled so as to be rotatable through an angular range and is prestressed against a stop under spring force.

The prior art made of record and not relied upon

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Fuji et al, US. Patent (5,010,540).
- b. Sakurai et al, US patent (6,256,280).

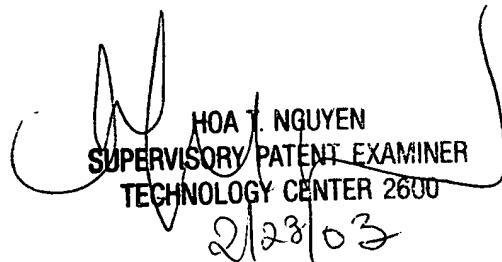
- c. Dollenmayer, US patent (3,695,741).
- d. Kato et al, US patent (6,388,974).
- e. Gijzen et al, US patent (4,833,666).
- f. Ohsaki, US patent (5,416,763).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Nguyen whose telephone number is (703) 305-9695. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and fax number is (703) 872-9314.

Dzung Nguyen

2/20/03


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2/28/03